

REMARKS

Claims 25-59, 64, 65, 70-77, and 82-94 are pending, with claims 25, 42, 59, 64, 65, 82, and 88 being independent. Claims 25, 42, 59, 64, and 82 have been amended. Claims 83-94 have been added. Support for the amendments and the new claims may be found, for example, at page 4, line 21 to page 5, line 4, and Figures 4A to 4C of the specification as filed. Applicants respectfully submit that each of the pending claims is allowable over the asserted references for at least the reasons set forth below.

Phyllis Kristal (Reg. No. 38,524) and Hussein Akhavannik (Reg. No. 59,347) thank Examiners Nguyen and Vi for the courtesy of the in-person interview on April 10, 2008, during which the Examiners set forth their position on the patentability of the claims in view of Bachir (U.S. Patent No. 5,660,186) and Evans (U.S. Patent No. 5,007,917). A summary of the interview is incorporated into the remarks below.

Independent claims 25, 42, 59, and 82 stand rejected as anticipated by Bachir, and independent claims 24 and 59 stand rejected as anticipated by Evans.

The applicant has amended claims 25 and 59 to recite that the helical knife has "a flat surface at a distal end of the helical knife." Neither Bachir nor Evans describes or suggests this feature. Rather, Bachir's stylet 14 has a pointed distal end, and Evans' cutter head 17 has a pointed distal end. Claims 42 and 82 are patentable over Bachir for at least the same reason.

Therefore, for at least the reasons discussed above, the applicant submits that claims 25, 42, 59, and 82, and their rejected dependent claims, are patentable over Bachir, and claims 24 and 59, and their rejected dependent claims, are patentable over Evans.

Independent claim 64 stands rejected as anticipated by Bachir and by Evans. The applicant has amended claim 64 to recite that the inner member has "a wall defining a hollow interior," and that the inner member defines an aspiration opening "through the wall of the inner member to the hollow interior." As discussed during the interview, Evans does not describe or suggest "an aspiration opening through the wall of the inner member to the hollow interior." Rather, in Evans, "debris passages are formed by each curved surface 39-43 and the inside wall

37 of the tube.” (Evans at col. 3, lines 35-36.) Regarding Bachir, there is no description or suggestion in Bachir that the “inner member” of Bachir is anything other than a solid member.

Therefore, for at least the reasons discussed above, the applicant submits that claim 64 is patentable over Bachir and Evans.

Independent claim 65 stands rejected as anticipated by Bachir. As discussed during the interview, there is no description or suggestion in Bachir of “the pitch of the helical channel changing from the distal end to the proximal end,” as claimed. The applicant’s representatives referred the Examiners to page 4, lines 24-27 of the applicant’s specification.

Therefore, for at least the reasons discussed above, the applicant submits that claim 65 is patentable over Bachir.

The applicant does not acquiesce to the examiner’s characterizations of the art. For brevity and to advance prosecution, the applicant may have not addressed all characterizations of the art and reserves the right to do so in further prosecution of this or a subsequent application. The absence of an explicit response by the applicant to any of the examiner’s positions does not constitute a concession to the examiner’s positions. The fact that applicant’s comments have focused on particular arguments does not constitute a concession that there are not other arguments for patentability of the claims. All of the dependent claims are patentable for at least the reasons given with respect to the claims on which they depend.

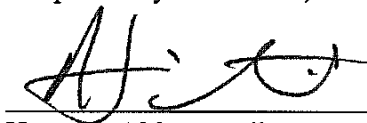
Applicant : Douglas D. Sjostrom
Serial No. : 10/015,778
Filed : December 17, 2001
Page : 14 of 14

Attorney's Docket No.: 00167-456001 / PT-2498-US-
NP

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 5/20/2008



Hussein Akhavannik
Reg. No. 59,347

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331